

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MAY 1, 2007.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m..

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Mr. D. R. Griffith, Stevensburg, District, stated that the County had obtained State funds to build a school without having the appropriate sign-off on the water and sewer or the accompanying facts and figures to support the request. He asked that County staff investigate to ensure that the proper procedures were followed. He also stated that the proper procedures were not followed when the antennas were approved near the Technology Center.

Mr. George Bryson, Jefferson District, stated that he had sent two e-mails to the County Attorney regarding several issues, but had not received a response. He said he was filing a complaint against the County Attorney and the Board of Supervisors. He questioned several actions taken by the Planning Commission regarding water and sewer issues.

Mr. Brett Massey, Stevensburg District, stated he was representing himself and the residents of Clover Hill Estates, Lordwilling Farm, and Huntmaster Estates and asked them to stand to be recognized. He stressed that he was not speaking against any veterans and said that several veterans from the community would speak later. He stated that he was

concerned about the nonconforming use of property in a residential neighborhood and explained that the property at 1162 Gravel Road, Brandy Station, was being used as a homeless shelter for veterans and veterans with chemical dependencies and there was no condition for regular use or conditional use for a shelter under the County's Zoning Ordinance. He added that none of the surrounding property owners were contacted prior to the establishment of the shelter and only became aware of it when reading the local newspaper.

Ms. Kristie Vick, Stevensburg District, stated she was opposed to the location of the shelter known as Compassion House for safety reasons. She said that the house was not easily accessible for emergency personnel and the road was a private gravel road maintained by the homeowners. She also said she was especially concerned for the safety of the children who had to pass by Compassion House to and from school. She asked the Board to thoroughly investigate the circumstances surrounding the establishment of Compassion House.

Mr. Bret Massey asked the veterans in the audience to stand and pointed out there were other veterans from the community who were unable to attend.

Mr. Michael Anderson, Huntmaster Estates, stated he was an active duty Air Force member and his opinions did not reflect the Air Force, but were his individual opinions as a citizen of Culpeper County. He said that the community was doing an injustice to its veterans by placing them in a shelter on Gravel Road because they would not have access to medical care to facilitate their rehabilitation or employment to enable them to become productive members of society.

Mr. Ellis Smith stated that he was a member of Chapter 753 Vietnam Veterans of America and supported the homeless shelter because Compassion House was providing a home for veterans until they could afford one for themselves.

Mr. Robert Demarest, a Marine Corps veteran, stated he lived directly across from the shelter, and he did not feel safe living there anymore. He stated that the County had an ordinance regarding specific uses, and he asked the Board to uphold that ordinance or the citizens would seek legal sanctions.

Ms. Linda Thompson, Catalpa District, spoke on behalf of the Associates of the Vietnam Veterans of America and stated that the veterans would not be abandoned. She described the rules and regulations that had been established for the residents of

Compassion House, such no drugs, drinking, or partying. She said the veterans would be employed, or seeking employment, and 30 percent of their income would be returned in order to maintain the house. She asked for the Board's support.

Mr. Sam Thompson, Catalpa District, stated he was President of the Vietnam Veterans of America Chapter in Culpeper. He said the veterans were trying to become a useful part of society and should not be labeled as drug addicts and troublemakers. He explained that his Chapter was supporting Compassion House and its rules and regulations because every veteran should be concerned about helping other veterans.

Ms. Tammy Jones, a resident of Old Holly Lane, stated that everyone who had spoken had made it a veteran issue, which it was not. She said the real issue was safety in the neighborhood and protecting the children. She stated she was not comfortable with having strange people walking around the neighborhood and questioned who would be enforcing the rules and regulations established for the facility. She asked the Board to address the community's concerns.

Ms. Marie Moore, a resident of Gravel Road, expressed her concern for the safety of her children. She pointed out that the people who were concerned about the veterans should have planned ahead and ensured that the veterans would be welcomed. She did not feel that the location was appropriate for this facility.

Mr. Bret Massey called the Board's attention to the 40-plus signatures contained in the packet he distributed. He stated that the community was recommending that the Board of Supervisors stop the nonconforming use of the property located at 11162 Gravel Road, Brandy Station, as a homeless shelter for veterans or a homeless shelter for veterans with chemical dependencies.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates recessed the meeting at 7:30 p.m.

Mr. Coates called the meeting back to order at 7:40 p.m.

AGENDA ADDITIONS AND/OR DELETIONS

Mr. Nixon moved, seconded by Mr. Walker, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARING(S)

**THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS TO CONSIDER
A BUDGET AMENDMENT IN THE AMOUNT OF \$7.5 MILLION FOR THE BALANCE OF
CONSTRUCTION FUNDS FOR YOWELL ELEMENTARY SCHOOL**

Mr. Coates announced that the Board would consider appropriating \$7.5 million for the balance of construction funds for Yowell Elementary School.

Mr. Coates opened the public hearing, and called for public comments.

Mr. George Bryson, Jefferson District, stated he was not opposed to having new schools, but he was opposed to the continued increase in taxes. He felt that the developers should share the tax burden.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates stated that the item would require two motions: One for the budget amendment and a separate motion for the appropriation of funds.

Mr. Nixon moved, seconded by Mr. Walker, to amend the budget to include \$7.5 million for the balance of the construction funds for the Yowell Elementary School.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mr. Nixon, to appropriate \$7.5 million for the balance of the construction funds for the Yowell Elementary School.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

**THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER
A BUDGET AMENDMENT IN THE AMOUNT OF \$3.9 MILLION TO CONSTRUCT
WATER AND SEWER LINES AND WIDEN ROUTE 666 TO SERVE THE NEW HIGH
SCHOOL**

Mr. Coates stated that the Board would consider appropriating \$3.9 million to construction the water and sewer lines and widen route 666 to serve the new high school.

Mr. Coates opened the public hearing and called for public comments.

Mr. George Bryson, Jefferson District, stated that some changes needed to be made in how water and sewer services were obtained and expressed opposition to running water and sewer to any location except the new high school.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the budget amendment for constructing water and sewer lines and widen Route 666 to the new high school.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mr. Aylor, to appropriate \$3.9 million to construct water and sewer lines and widen Route 666 to the new high school.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

ADDITION TO THE RILLHURST FARMS AGRICULTURAL AND FORESTAL DISTRICT.

Request by William Westlake to add 16.62 acres to the Rillhurst Farms Agricultural and Forestal District. The property is located on Route 633 in the Salem Magisterial District. Tax Map/Parcel Nos. 39/3, 3B.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the proposed 16.62-acre addition to the Rillhurst Farms Agricultural and Forestal District to be inappropriate, based on its limited agricultural value and its remote location in relation to the District core. He said the Planning Commission was recommending to the Board of Supervisors that the proposed addition to the Rillhurst Farms Agricultural and Forestal District be denied.

Mr. John Egertson, Planning Director, displayed a copy of the tax map that highlighted the location of the Rillhurst Farms Agricultural and Forestal District, and indicated the location of the proposed addition of 16 acres that was being used for hay and forestry. He said even though the Agricultural and Forestal Districts Advisory Committee had recommended approval, the Planning Commission felt that the property was small and

relatively far from the core of the District and recommended denial. He said the request was ready for the Board's consideration.

Mr. Chase noted that the Agricultural and Forestal Districts Advisory Committee had recommended approval, and he had never voted against a request that the Advisory Committee had endorsed.

Mr. William Westlake, applicant, stated that he had purchased the property because it carried a lot of history since it was established in 1836, and he had worked the 17 acres for 12 years. He said he had a main house and several outbuildings and there were good fescue and rye in the pastures. He noted it was not his intent to do harm to any of his neighbors, and he asked whether the case could be postponed in order for him to provide clarification from the Zoning office and provide some assurances to his neighbors that he did not intend to take any property from them.

Mr. Coates informed Mr. Westlake that he had the right to request a postponement, but the public hearing would be held since it had been advertised.

Mr. Coates opened the public hearing and called for public comments.

Mr. Preston Sims, adjacent property owner, asked the Board to waive any buffer on his property for the Agricultural and Forestal District and presented the request in writing.

Mr. Powell O'Bannon, Vice President, Jefferson Homebuilders, stated that he owned 16 acres adjacent to Mr. Westlake's property. He said he was opposed to the request because the land was not adjacent to the Agricultural and Forestal District, it did not meet the criteria covering farming practices, and it would place an undue burden on adjacent property owners.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Hansohn, to postpone the application for 30 days.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

WITHDRAWAL FROM THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT. Request by Linda Ingram to withdraw 229 acres from the Brandy Station Agricultural and Forestal District. The property is located on Route 663 in the Stevensburg Magisterial District. Tax Map/Parcel No. 33/6 and Tax Map/Parcel Nos. 32/52, 51.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission concurred with the Agricultural and Forestal Districts Advisory Committee that the 229-acre withdrawal from the Brandy Station Agricultural and Forestal District was appropriate. The applicant has agreed to readmit these parcels into the Stevensburg Agricultural and Forestal District after the conservation easement has been placed on the property. He said the Planning Commission was recommending to the Board of Supervisors that the 229-acre withdrawal from the Brandy Station Agricultural and Forestal District be approved.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the Brandy Station Agricultural and Forest District and indicated the property being requested for withdrawal. He stated that it was the understanding from the Agricultural and Forest Districts Advisory Committee and the Planning Commission that the majority of this property would be placed into permanent conservation, and the request was being recommended for approval.

Mr. Nixon inquired whether there was a requirement for the applicant to place the land in a conservation easement after it had been withdrawn from the Agricultural and Forestal District. Mr. Egertson replied that there was no requirement to that effect.

Mr. Walker stated he assumed that the applicant could not obtain a conservation easement if the property remained in the Agricultural and Forestal District. Mr. Egertson explained that the land could remain in the District and still be placed in a conservation easement, but there would be some impact on the benefits to be derived from being in the conservation easement.

The applicant was not present.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Aylor, to approve the request.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-834-07-2. Request by Michael E. Horst for renewal of an existing use permit to allow an archery range for members and guests. The property is located off Route 673 in the Stevensburg Magisterial District and contains 30.24 acres. Tax Map/Parcel Nos. 35/8B,

8D.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance with the following conditions:

1. The use permit shall remain valid for a period of three (3) years. It may be administratively renewed at that time, unless the Zoning Administrator determines that there is a cause to refer the matter to the Planning Commission and the Board of Supervisors.
2. Alcohol is prohibited on the premises.
3. The archery club shall carry a liability insurance policy at all times.
4. The use of crossbows is prohibited.

Mr. McLearen said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced conditions.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the two parcels upon which the use permit was requested. He stated that the request was for a renewal of an existing use permit that was originally granted in 1997, but had expired, and during this period there had been no incidents or complaints. He said Mr. Horst acted promptly when he realized that he would need to renew the permit. He reported that he had visited the property and found it was an archery range on two long and narrow wooded properties. He stated the use was strictly an archery range with no gun use on the property. He indicated the original permit did not carry any conditions, but staff recommended conditions, and it was being recommended for the Board's approval with the referenced conditions.

Mr. Chase asked whether input had been obtained from the Game Warden. Mr. Egertson stated that the Game Warden had not been contacted.

Mr. Michael E. Horst, applicant, stated that he and his wife owned the property on which the archery range had been established. He explained that he had an archery range on a farm in Fauquier County and, when the rent had been raised, Mr. Evans Groves, his father-in-law, offered to sell the 30 acres containing two parcels on Newby Shop Road in Culpeper County. There was a rental house on the eastern part of the property and later a cell phone tower was erected next to the rental house, and 20 acres was left for agricultural use. He said Mr. Groves gave him permission to petition the County for a use permit for the

archery range in 1996 and it had been approved. He stated that when Mr. Groves passed away, he and his wife became the new property owners, and he was unaware the original use permit had expired.

Mr. Horst explained that the archery range had been in existence more than 10 years without any safety issues or accidents. The range had 20 to 25 members, and 26 3-D targets ranging in size had been set up in actual hunting-type situations in the woods. He stated that prior to each shoot, a first-due response rescue squad was made aware of the event and a medic was available if needed. The archery club was an incorporated group, with a board of directors and bylaws, and had its own liability insurance policy.

Mr. Horst stated that none of the surrounding property owners were aware that an archery range was there until just before the renewal hearing on April 11. He explained that the range was not visible from the road, parking was available on the power line running through the property, and a covered picnic table area and toilet facilities were provided. He said that the closest neighbor was located 426 yards from the range's closest target.

Mr. Horst stated that no alcohol was permitted on the property, and it was not a hunt club as was alluded to during Planning Commission meeting and no firearms were being shot at any of the targets. He said the range was open from February through the end of September and was closed during the fall and winter hunting seasons.

Mr. Horst stated he had met all the requirements of the County for renewal of the use permit. He said he was respectfully requesting a waiver of the ban on the use of crossbows because he had a physically disabled individual with a valid physician's note stating that he could not shoot conventional archery equipment. He added that he was retired from the Virginia State Police with 30 years of service, and he was an avid traditional bow hunter. He said he was available to answer any questions from the Board or the audience.

Mr. Coates opened the public hearing and called for public comments.

Ms. Pat Hale, 4-H Youth Coordinator and Instructor, Cedar Mountain 4-H Club, stated she had taken 18 members of the Club a couple of times to shoot through the archery 3-D course to prepare them for State competition. She emphasized that the range was safe and she had not seen anything that would cause the adjoining property owners to feel unsafe. She stated she was in favor of the request and asked the Board to approve the use permit.

Mr. Tom Weaver, 4-H Youth Coordinator, stated that the range was safe and his members had shot on the range two times to prepare for State competition. He asked the Board to reconsider the ban on crossbows because of the need of a disabled person.

Mr. Zach Beard stated he was from Culpeper 4-H Shooting Sports, and he shot on the range once a month and it was very safe.

Mr. Jim Mills stated he lived in Herndon, Virginia, and had been a member and Managing Agent for the Brook Run Hunt Club at Sherwood Farm in Stevensburg for the last 30 years. He explained that he had been asked to take a hard look at the archery range from the standpoint of safety. He provided extensive background information on his education, as well as his credentials in the area of archery. He said his observations during inspection of the property on Newby Shop Road were: There were adequate signage and posted warnings regarding no littering, hunting, loitering, shooting or trespassing on the margins of the property; the range layout was unique and obvious attention had been paid to safety in the setup of the shooting stations, targets, etc.; and each shooting position had a disk implanted in the ground so that an archer could keep contact with the disk and avoid any deviation from the target. He said it was his opinion that there had been no material deviation from the plan under which the archery range was built and operated in accordance with the original use permit. He stated that he found the range to be of a safe design, an obvious attraction for area archers, and an added asset to meet the need for more wholesome recreational pursuits in the County. He said that it was his opinion that the application merited the Board's approval.

Mr. Greg George, Fauquier County, stated he had been a member of the Blue Ridge Archers for the past 10 years and an archer for approximately 25 years. He stated that he regularly participated in the setup and cleanup of the range with safety always the number one priority, and asked for the Board's approval of the application.

Mr. Ed Grimsley, Stevensburg District, spoke in opposition to the renewal of the use permit. He explained that he lived directly across the street and his mailbox was on the archery club property. He stated he was not against an archery club, but he did oppose its location. He said the first knowledge he had there was an archery club across the street was when he found an arrow very close to his mailbox. He did not believe any of their targets had backstops. He stated that his main objection was that after he found his dog

had been shot, he learned that Mr. Horst had previously called the Animal Control Officer and commented he was going to shoot and kill the dog if it came on his property. He also stated that one of his main concerns was the safety of the families directly around the area, and he had obtained signatures on a petition of five families that lived on Newby Shop Road. He strongly urged the Board to deny the renewal of the use permit.

Ms. Christine Grimsley, Stevensburg District, stated she would try not to repeat any of her husband's comments. She said that another neighbor's dog had been shot, and she was concerned about the lack of safety for others. She said the current location of the archery range was not appropriate, and she expressed her dismay in learning that the range had operated for so long without its use permit being renewed. She pointed out that a crossbow was a lethal weapon and has been outlawed in 11 States.

Mr. Robert Currier, Stevensburg District, stated that while he empathized with the Grimsleys about their dog, he strongly felt that Mr. and Mrs. Horst were very responsible people as both were former police officers. He noted that several large graffiti-style signs had been displayed on the front page of the *Culpeper Star-Exponent* and he felt that the media publicity was detrimental to the neighborhood and should be removed. He asked that the application for the archery range be approved.

Mr. Jonathan Grimsley, Stevensburg District, stated he was opposed to the archery range in its current location because the area around Remington and Culpeper was growing rapidly and new safety precautions needed to be initiated. He said he had heard gunshots during archery season and they had continued after the deer season, and he was very concerned about safety in the neighborhood.

Mr. George Bryson, Jefferson District, stated he would not address the pros and cons of the archery club, but he wanted the Board to know that he was fed up with the way the *Culpeper Star-Exponent* created issues and promoted them as news.

Ms. Pat Hale, who spoke earlier, repeated that she was a 4-H leader and instructor, and she would not take children to the archery range if it were in anyway unsafe.

Mr. Grimsley replied that he did not think it was unsafe for the children to use the range, but his point was that the area around the range was not safe.

With no further comments, Mr. Coates closed the public hearing.

Mr. Nixon asked Mr. Mills how far a bow could travel, specifically the unencumbered lethal distance of a bow. Mr. Mills replied most archers would not shoot at an animal more than 50 yards away with any degree of optimism of hitting it. He said with the arrow traveling at approximately 150 to 160 feet a second, it would hit the ground somewhere around 50 to 60 yards. He said that crossbows would travel farther than that, but would not reach the distance of where the homes were located across the road.

Mr. Chase asked Mr. Mills if his answer was a bow would travel a maximum of 150 yards. Mr. Mills replied that shooting a bow level, it would not travel more than 160 yards.

Mr. Chase reported he had tried several times to contact the Game Warden, but had been unsuccessful.

Mr. Coates advised Mr. Chase that the case could be postponed if he felt it would be beneficial to have the Game Warden present to answer questions.

Mr. Chase moved, seconded by Mr. Aylor, to postpone the request for 30 days.

Mr. Walker suggested that the issue of proper signage be reviewed during the interim.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2119-07-1. Request by Christine Daley and Michelle Bailey for approval of a use permit to allow the operation of a domestic pet boarding kennel. The property is located off Route 229 in the Catalpa Magisterial District and contains 5.87 acres. Tax Map/Parcel No. 21/25A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found that based upon the location proposed, this request may be detrimental to property or improvements in the neighborhood and could be adverse to safety. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property where the dog day care would be established. He said the Planning Commission had recommended the request be denied due to concerns regarding noise from the dogs and the safety issue of having access on a primary road. He explained that the application

was originally submitted with the intent to construct a new building on the property in order to have a larger kennel operation, but upon learning there was concern from neighboring properties, the applicants scaled the request down to restrict themselves to a maximum of ten dogs, most of which would be for day care. He said the Planning Commission continued to have reservations regarding noise and access and recommended denial, and the request was ready for the Board's consideration.

Ms. Christine Daley, applicant, explained that after hearing the concerns of the neighbors and the Planning Commission, the idea for a kennel had been abandoned in favor of a dog day care facility to be operated during normal business hours. She said the project had continued to be referred to as a kennel, and the neighbors were concerned regarding a decrease in property values. She emphasized that the facility was purchased for the purpose of having the dogs stay in the house during the day and when they were outside for short periods, they would not be left unattended. She said neither she and nor Ms. Bailey would not be living there so the house would be a free rein for the dogs. She stated she would be happy to erect a five-foot fence to address the noise, but she did not see that as an issue. She emphasized that she would have total control over the dogs in and out of the house, and the focus would be on quality of day care, not quantity since it would be in their best interest to keep a manageable number of dogs at all times.

Mrs. Hansohn inquired if the applicants would be living in the house. Ms. Daley replied that they would not be living in the house.

Mr. Coates opened the public hearing and called for public comments.

Ms. Melissa Anderson, adjoining property owner, stated she and her husband owned two adjoining parcels and another parcel at the back of Deertrack Trail where they lived. She said since their major concern was the effect on property values, they had obtained a letter from an appraiser stating that a kennel would indeed be a detriment to their property if it were located in front of their home. She said they were building a home for her mother on one of the parcels, and her in-laws lived on the parcel about 400 feet from the house being proposed for dog care, and she was concerned that they would not be able to enjoy peace and quiet.

Ms. Lea Shore, Rixeyville, Virginia, stated she was a neighbor of the applicant, who currently kept her dog and two or three others at her house. She said she lived

approximately 100 yards away and had never had any issues with noise from the dogs since they were not allowed to run unattended. She stated she could understand concerns regarding a kennel, but the facility would be a daytime dog care, Monday through Friday, during business hours.

Mr. Darren Anderson, adjoining property owner, said he supported his wife's earlier comments. He added that the area was zoned Agriculture and allowed for other uses as long as they were not detrimental to the property. He said the day care facility would be best suited in another location because the area was really no longer agricultural, but was becoming a residential district. He expressed concern also that the use would not be monitored to ensure that operations did not escalate beyond the ten dogs mentioned.

Mr. David Cook, Deertrack Trail, stated his property abutted the right-hand corner of Ms. Dailey's property and their driveways ran parallel when exiting Route 229. He said he had a concern regarding safety because after passing Emerald Hill Elementary School, there was a crest at a hill and a blind spot once that crest was reached. He said Ms. Daley's property was the second driveway on the left, about 200 feet from the crest, and would accommodate only one car going in or one car going out. He said he was also concerned that the facility would not be regulated to ensure the number of dogs in day care was not exceeded.

Ms. Michelle Bailey, the second applicant, stressed that the application was not for a dog kennel. She said she understood the concerns regarding property values and safety issues with the driveway and there may be an opportunity for them to make the access more safe. She did not feel that the dog day care would be detrimental to the neighbors since they were trying to address all of the issues raised at the Planning Commission meeting. She said the business would be pet sitting, constantly supervised, and would address a need in the County.

Ms. Sue Fincham, Jefferson District, said she lived across the road directly in front of the applicants' driveway. She said the entrance was very dangerous due to the heavy traffic on Route 229. She stated she was not opposed to dogs, but would be if the proposed use were for a kennel. She expressed her concern regarding noise and dog odors due to health issues.

Mr. Collis Fincham, Catalpa District, stated he lived directly across from Ms. Bailey's house and he was opposed to the request for a dog boarding facility because of the noise.

With no further comments, Mr. Coates closed the public hearing.

Mrs. Hansohn stated she had visited the property and found there was definitely a problem with the access on a knoll. She also did not think the proposed use was appropriate for a subdivision. She said that in her 11 years on the Board, the majority of calls she received were regarding dog issues.

Mrs. Hansohn moved, seconded by Mr. Chase, to deny the request for a use permit.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. Z-421-07-1. Request by Society for Worldwide Interbank Financial Telecommunication, Inc. to rezone 11.22 acres from A-1 (Agricultural) to LI (Light Industrial). The Comprehensive Plan designates this area as Industrial but does not indicate specific densities. The property is located on Route 799 and Route 790 in the Stevensburg Magisterial District. Tax Map/Parcel No. 51/83F1.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be in compliance with the 2005 Culpeper County Comprehensive Plan. He said the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the parcel being requested for rezoning and indicated the current surrounding industrial zones. He explained that the property was directly connected with the existing S.W.I.F.T. building that was inside the Town limits, and the proposed rezoning would assist S.W.I.F.T. in implementing plans that they had outlined on a concept plan. He said they plan to construct a new building primarily within the Town limits, and the property being rezoned in the County would initially be utilized for a new access point off Technology Drive to serve as a delivery point for truck traffic, loading and unloading, etc. He said that the applicant had proffered to construct a 200-foot turn lane, with a 100-foot taper on Technology Drive, into the proposed access, as well as \$25,000 in cash upon construction of the new truck

entrance that would be utilized for improvements to the Technology Drive–McDevitt Drive intersection. He noted that the proffer matched an equal amount that had been tendered by Terremark as part of its rezoning and should accommodate some widening of that same intersection. He said the request was in keeping with the Technology Zone and the industrial designation in the Comprehensive Plan, and it was recommended for approval.

Mr. Robert Jones, representing S.W.I.F.T., explained that the request was to have the parcel rezoned from Agricultural to Light Industrial in preparation for extension plans to relocate the service delivery center.

Mr. Coates opened the public hearing and called for public comments.

With no public comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the rezoning request.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2120-07-1. Request by Matt and Phyllis Smuland for approval of a use permit to allow a boarding and training facility for dogs. The property is located on Route 661 in the Stevensburg Magisterial District and contains 26.53 acres. Tax Map/Parcel No. 52/41A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the use permit to be consistent with the Comprehensive Plan and with Article 17 of the Zoning Ordinance with the following conditions:

1. Prior to commencing operation, the entrance to the kennel shall be installed in accordance with VDOT commercial entrance requirements. No access to Carolina Road is permitted for kennel use.
2. No more than 25 dogs are permitted on the site at any time.
3. Dogs shall be housed inside of an enclosed kennel building at all times except when being trained or walked on a lead. Dogs will not be left outdoors unattended at any time, even in an enclosed run.
4. A plan for waste removal and the provision of water to the facility must be submitted and approved by the Virginia Department of Health.
5. This use permit shall remain valid for a period of five (5) years.

6. This use permit is valid for ownership and operation by the applicant only, it is not transferable.

Mr. McLearen said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced conditions.

Mr. Egertson displayed a copy of the tax map that highlighted the property located on the corner of Blackjack Road and Carolina Lane, which was a private lane. He said the area was sparsely populated and it was felt that the 26.5-acre parcel lent itself to the proposed use with the stringent conditions, the most notable being that the dogs would be housed inside at all times except when being trained or walked on a lead. He said the applicants had provided photographs of a facility similar to one they planned to build, and the request was ready for the Board's consideration.

Mr. Coates noted that VDOT had reviewed the request, and asked whether VDOT had reviewed the previous request for a dog day care facility. Mr. Egertson replied that VDOT had reviewed both requests and had made a recommendation on the previous case for a modification of the entrance. He said on both cases, VDOT had suggested a commercial entrance, and condition #1 would implement that suggestion for this case.

Mrs. Phyllis Smuland, applicant, stated that she and her husband, Matt, would like to open a boarding and training facility for dogs. She said they had been working with a builder to design an indoor-only facility that would have multiple built-in safety features. She stated they would train all employees on the proper way to handle dogs and to alleviate the noise. She said they planned to have a garage so that the dogs could be driven into the facility and then into an enclosed area to prevent them from escaping from the property.

Mr. Chase asked Mrs. Smuland whether she was the individual who had been walking a pit bull up and down Blackjack Road. Mrs. Smuland replied that was a lady who had been living in the house with a pit bull, but she was no longer there and the pit bull had been removed from the facility since there had been a complaint.

Mr. Chase inquired whether pit bulls would be trained at the facility. Mrs. Smuland replied that they may be since there was no law in Culpeper County concerning pit bulls. She stated the facility would be very safe and she would not accept any dangerous dogs. She explained that she had been an experienced dog handler for 23 years.

Mrs. Hansohn inquired whether the applicants would be living on the property. Mrs.

Smuland replied that she and her husband would continue to live in Fairfax County and someone was already renting the house on the property.

Mr. Coates opened the public hearing and called for public comments.

Mr. Eddie Hitt and his wife, Mrs. Janet Hitt, Stevensburg District, expressed their opposition to the application. Mr. Hitt stated that they lived across the road from the proposed kennel. Mrs. Hitt said they had lived on Blackjack Road for 32 years and had enjoyed the peace and quiet. She stated that the lady who had been walking the pit bull along the road had told her that the owners wanted to have a pit bull rescue. She expressed her concern because she had grandchildren who played in their yard and she feared for their safety. She stated since the applicants were not going to live on the property, she felt the facility would not be properly monitored. She was also concerned that they would be unable to obtain insurance, especially if they kept any dogs considered to be dangerous.

Mr. Gilbert Brasso, Stevensburg District, stated he owned 65 acres in front of the property being considered and kept livestock on his property. He said there could be adequate security, but accidents happened and the dogs could get loose. He was concerned that if his cows were harmed, he would be unable to prove the dogs did it and asked who would cover the costs.

Ms. Ruth Newman, Stevensburg District, stated she had lived on Blackjack Road for 24 years and had raised eight children there, and she wanted to maintain a place where her children, grandchildren and great-grandchildren could come and feel safe. She said there had been a great deal of sadness in their neighborhood because two girls had been found dead in the area over the past few years. She added that sadness and fear were just being alleviated and she did not want that fear to return to her neighborhood.

Mr. Lewis Rankin stated he was in the process of buying a house across the street on Blackjack Road and was concerned about the safety of his children should they encounter a dangerous dog from the kennel.

Mr. Mark Smuland stated he was not sure how pit bulls became an issue, because they planned to open a kennel to train pet dogs whatever their breed and he did not want the neighbors to feel uneasy in any way.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase stated that he had nothing against pit bulls, but his concern was that the neighborhood was growing rapidly. He said Blackjack Road had been paved, cars were traveling at a high speed, and he was concerned about safety. He stated there was already a kennel in Stevensburg, approximately a mile and a half through the woods from his property, and he could hear them barking in the morning and in the evening. He felt that the area was the wrong location to build another kennel.

Mr. Chase moved, seconded by Mrs. Hansohn, to deny the use permit for the boarding and training facility for dogs.

Mr. Coates stated he was going to support the motion because he felt if the applicants were going to operate a kennel in the County they should live on the property.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 9:30 p.m.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio,
Clerk to the Board

APPROVED: June 5, 2007